

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) CAUSE NO.: 2:13-CR-65-JTM-JEM
)
)
KEVIN E. WILKERSON,)
Defendant.)

**FINDINGS AND RECOMMENDATIONS
OF THE MAGISTRATE JUDGE
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On October 19, 2022, the United States Government appeared by counsel Assistant United States Attorney Kevin F. Wolff, and Defendant Kevin E. Wilkerson appeared in person and by counsel Visvaldis Kupsis and in the custody of the United States Marshal. A United States Probation Officer also appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

On December 9, 2013, Defendant Wilkerson pled guilty to the Indictment (bank robbery by force or violence) and on February 19, 2014, Judge Joseph S. Van Bokkelen sentenced him to a term of 108 months followed by 3 years supervised release subject to specified written terms and conditions.

On November 16, 2021, the Government filed a petition alleging that Defendant violated the terms and conditions of supervised release [DE 62], and an arrest warrant was issued. On March 29, 2022, an Initial Appearance was held, at which time Defendant Wilkerson was

detained.

On September 28, 2022, Judge James Moody issued an Order referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and N.D. Ind. Local Rule 72-1.

As a result of the October 19, 2022, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant Wilkerson has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant Wilkerson understands the proceedings, allegations and his rights;
3. Defendant Wilkerson knowingly and voluntarily admitted that he committed the offense of failing to appear for a psychiatric evaluation on October 11, 2021, October 25, 2021, and November 1, 2021, after referral by Probation, thereby failing to participate in a mental health treatment program [DE 62];
4. The violation is a Grade C violation, Defendant's criminal history category is V, and the suggested penalty range is 7-13 months incarceration, with a statutory maximum of 24 months.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. Defendant Wilkerson be adjudged to have committed a violation of his supervised release described in the November 16, 2021 Petition [DE 62];

2. The Agreed Disposition of Supervised Release Violation [DE 84] be accepted; and
3. Defendant Wilkerson be sentenced to a term of time served, with no further term of supervised release.

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 19th day of October, 2022.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
District Judge James Moody